

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION at DAYTON

In Re:)	3 : 13 - cv - 400
)	
ADAM J. BALLARD)	CASE NO. 3:12-BK-33165
)	Chapter 7
Debtor.)	JUDGE GUY R. HUMPHREY
)	
)	

**RESPONSE/STIPULATION REGARDING LEAVE TO APPEAL
AND REQUEST THAT DISTRICT COURT APPROVE STIPULATION**

Subject to the District Court's approval of the following stipulation, the debtor, Adam J. Ballard, does not oppose the United States of America's Motion for Leave to Appeal Interlocutory Decision and Order (Docket No. 65 in Case No. 3:12-bk-33165) and requests that this stipulation be treated as his response and that the matter be transmitted to the District Court for disposition consistent with Bankruptcy Rule 8003. The parties jointly request that interlocutory appeal from the Bankruptcy Court's Decision and Order of October 11, 2013, be allowed in order for the District Court to resolve the relevant procedural issue.

The United States and the debtor stipulate that, by not opposing or otherwise responding more fully to the United States' motion for leave to appeal, the debtor does not waive his right to defend the decision and order of the Bankruptcy Court if appeal is granted. Should leave to appeal be denied, the parties further agree that the District Court should not grant mandamus relief without affording the debtor an opportunity to file a statement in opposition to those aspects of the United States' motion that request mandamus relief.

The parties request that the Court approve the above stipulation and grant leave to appeal as proposed below. (Whichever undersigned counsel files this does so with the permission to include the signature of the other.)

AGREED:

UNITED STATES OF AMERICA

ADAM J. BALLARD

By: /s/ Edward J. Murphy

By: /s/ Andrew J. Zeigler

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UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

In re Adam J. Ballard (Ballard v. United States), Civil No. _____:

The terms of the above Stipulation are hereby APPROVED AND SO ORDERED and the United States of America's Motion for Leave to Appeal Interlocutory Decision and Order (Docket No. 65 in Bankruptcy Court Case No. 3:12-bk-33165) is hereby GRANTED.

Dated: 12-2-13



UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2013, a copy of the foregoing Response/Stipulation Regarding Leave to Appeal and Request that District Court Approve Stipulation was served on the following registered ECF participants electronically through the court's ECF system at the email address registered with the court:

John Frederick Kennel
Andrew Zeigler
Donald F. Harker, III
Office of the US Trustee

and on the following by ordinary U.S. mail to:

Adam J. Ballard
3172 Claydor Drive
Beavercreek, OH 45431

/s/ Edward J. Murphy
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